

NOT PRECEDENTIAL

IN THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 05-2241

UNITED STATES OF AMERICA

v.

HAITHAM AWWAD, also known as
TANMAN4YOUNGERF

Haitham Awwad,
Appellant

On Appeal From the United States District Court
For the Eastern District of Pennsylvania
(D.C. Crim. Action No. 02-cr-00481)
District Judge: Hon. Timothy J. Savage

Submitted Pursuant to Third Circuit LAR 34.1(a)
May 19, 2006

BEFORE: McKEE and STAPLETON, Circuit Judges,
and McCLURE,* District Judge

(Opinion Filed June 12, 2006)

* Hon. James F. McClure, Jr., United States District Judge for the Middle District of Pennsylvania, sitting by designation.

OPINION OF THE COURT

STAPLETON, Circuit Judge:

Haitham Awwad appeals his conviction under 18 U.S.C. § 2422(b) for attempting to use a means of interstate commerce (the Internet) to persuade, induce, and entice a minor to engage in sexual activity and his conviction under 18 U.S.C. § 2423(b) for traveling in interstate commerce for the purposes of engaging in sexual conduct with a minor. He argues on appeal that he cannot be convicted under either statute because his intended victim was, in fact, not a minor but an undercover FBI agent posing as a minor online. While his appeal was pending we rejected the precise arguments made by Awwad under both of these statutory provisions in *United States v. Tykarsky*, ___ F.3d ___, 2006 WL 1236824 (3d Cir. May 10, 2006). Accordingly, we will affirm the order of the District Court.